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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
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ART UNIT	PAPER NUMBER
2152	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)	
Office Action Summary	10/632,763	SHIMA, TOSHIHIRO	
	Examiner	Art Unit	
	Brian P. Whipple	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>30 April 2008</u>.

2a) ☒ This action is **FINAL**.　　2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1 and 4-16</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1 and 4-16</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a) ☒ All　b) ☐ Some *　c) ☐ None of:

　　　　1. ☒ Certified copies of the priority documents have been received.

　　　　2. ☐ Certified copies of the priority documents have been received in Application No. _____.

　　　　3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.　　Claims 1 and 4-16 are pending in this application and presented for examination.

Response to Arguments

2.　　Applicant's arguments, with respect to the prior art's failure to disclose boot

information, filed 4/30/08 have been fully considered but they are not persuasive. In

response to applicant's argument that the references fail to show certain features of

applicant's invention, it is noted that the features upon which applicant relies (i.e., boot

information) are not recited in the rejected claim(s). Although the claims are interpreted in

light of the specification, limitations from the specification are not read into the claims. See

In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

3.　　Applicant's remaining arguments have been considered but are moot in view of being

directed to amended subject matter. The amended subject matter is addressed below in the

prior art rejections.

Claim Rejections – 35 USC § 103

4.　　The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1, 4-9, 11, and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuda et al. (Matsuda), U.S. Publication No. 2002/0133573 A1, in view of Traversat et al. (Traversat), U.S. Patent No. 6,119,157.

6.   As to claim 1, Matsuda discloses a network device that connects with an information processing device via a network, the information processing device storing setting information which is used for a preset control of a network device type ([0065], ln. 2-5) and includes unique information for the network device ([0066], ln. 12-17), said network device comprising:

        a setting information memory module that is configured to store the setting information in a memory ([0066], ln. 12-17; DHCP configurations are stored in the memory of the receiving client);

        a receiver module that receives the setting information, which is mapped to predetermined identification information allocated to said network device, via the network from the information processing device ([0065], ln. 7-17; [0066], ln. 12-17), and stores the setting information as initial values in the memory ([0010], ln. 19-24; administrator settings

are initially assigned, in accordance with settings; such settings would be the initial values

for clients contacting the DHCP server for assignment); and

an update module that updates the initial values of the setting information stored in

the memory, based on the received setting information ([0010], ln. 19-24; administrator

settings are initially assigned, in accordance with settings; such settings would be the initial

values for clients contacting the DHCP server for assignment; the administrator may update

settings, and subsequent clients seeking initial values would receive the updated settings

from the DHCP server);

a transmitter module that sends a transmission request of the setting information to

said information processing device via the network at least when said network device is

connected to the network ([0065], ln. 2-5).

Matsuda is silent on said update module selects the setting information mapped to the

predetermined identification information for identifying said network device among the

received setting information, when the received setting information includes setting

information mapped to identification information allocated to another network device.

However, Traversat does disclose said update module selects the setting information

mapped to the predetermined identification information for identifying said network device

among the received setting information, when the received setting information includes

setting information mapped to identification information allocated to another network

device (Col. 13, ln. 64 – Col. 14, ln. 9).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the teachings of Matsuda by having a client select relevant update

information as taught by Traversat in order to avoid the need for a server to determine a list

of clients that desire or are relevant to an update and instead broadcast updates to

appropriate clients.

7.   As to claim 4, Matsuda and Traversat disclose the invention substantially as in parent

claim 1, including the transmission request includes the predetermined identification

information (Matsuda: [0065], ln. 2-11; it is inherent in DHCP that a client's DHCP Discover,

a request for configuration, includes the MAC address of the client).

8.   As to claim 5, Matsuda and Traversat disclose the invention substantially as in parent

claim 1, including said transmitter module sends the transmission request in response to a

requirement from said information processing device (Matsuda: [0041], ln. 2-6 and 16-20; a

DHCP server requires that a client send a request for configuration in order to function

correctly on the network).

9.   As to claim 6, Matsuda and Traversat disclose the invention substantially as in parent

claim 1, including a search module that searches for a location of said information processing

device on the network (Matsuda: [0041], ln. 6-11 and 20-33; a client searches by broadcasting

DHCP Discovers across the network until a preferred DHCP server is found).

10.   As to claim 7, Matsuda and Traversat disclose the invention substantially as in parent

claim 3, including said information processing device is present at a certain location on the

network, which is known to said network device (Matsuda: [0044], ln. 25-32).

11.   As to claim 8, Matsuda and Traversat disclose the invention substantially as in parent

claim 1, including said transmitter module sends the transmission request on a start-up of

said network device (Matsuda: [0065], ln. 2-5).

12.   As to claim 9, Matsuda and Traversat disclose the invention substantially as in parent

claim 1, including the setting information includes transmission timing information

regarding a timing of the transmission (Matsuda: [0062], ln. 5-7; it is inherent in DHCP that a

client's configuration includes a lease time), and

        said transmission module sends the transmission request based on the transmission

timing information (Matsuda: [0062], ln. 5-7; it is inherent in DHCP that a client sends a

renew request based on the lease time, which is sending a transmission request based on

transmission timing information).

13.   As to claim 11, Matsuda and Traversat disclose the invention substantially as in parent

claim 1, including the identification information is set in advance on shipment of said

network device (Matsuda: [0064], ln. 4-8; a MAC address is set by the manufacturer).

14.   As to claim 14, Matsuda and Traversat disclose the invention substantially as in parent

claim 1, including said network device is a printing device (Matsuda: [0033]).

15.   As to claims 15 and 16, the claims are rejected for the same reasons as claim 1 above.

16.   Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuda and

Traversat as applied to claim 3 above, in view of Parthesarathy et al. (Parthesarathy), U.S.

Patent No. 6,353,926 B1.

17.   As to claim 10, Matsuda and Traversat disclose the invention substantially as in parent

claim 1, but are silent on said transmitter module sends the transmission request, when said

receiver module receives a notice showing that the setting information stored in said

information processing device has been updated.

However, Parthesarathy does disclose said transmitter module sends the transmission

request, when said receiver module receives a notice showing that the setting information

stored in said information processing device has been updated (Col. 6, ln. 11-31).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the teachings of Matsuda and Traversat by sending a transmission

request when a client receives a notice that there is an update as taught by Parthesarathy in

order to provide the user with the option of deciding how an update should be handled

(Parthesarathy: Col. 6, ln. 11-31) as opposed to forcing undesired or unneeded updates on a

client.

18.   Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuda

and Traversat as applied to claim 1 above, in view of Sherer et al. (Sherer), U.S. Patent No.

6,115,376.

19.   As to claim 12, Matsuda and Traversat disclose the invention substantially as in parent

claim 1, but are silent on the identification information is set after shipment of said network

device.

However, Sherer does disclose the identification information is set after shipment of said network device (Col. 1, ln. 48-65).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Matsuda by setting identification information after shipment of a network device as taught by Sherer in order to allow for uses such as transparent bridging where one end station forwards a packet for another end station transparently (Sherer: Col. 1, ln. 66 – Col. 2, ln. 6).

20.   As to claim 13, Matsuda, Traversat, and Sherer disclose the invention substantially as in parent claim 12, including the identification information is set based on a location of said network device (Matsuda: [0064], ln. 4-8; it is inherent that a MAC address contains an Organizationally Unique Identifier that identifies the network device based on its manufacturer, which may be interpreted as setting the identification information based on the location of the network device).

Conclusion

21.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until

after the end of the THREE-MONTH shortened statutory period, then the shortened

statutory period will expire on the date the advisory action is mailed, and any extension fee

pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action.

In no event, however, will the statutory period for reply expire later than SIX MONTHS

from the date of this final action.

22.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Brian P. Whipple whose telephone number is (571)270-1244.

The examiner can normally be reached on Mon-Fri (9:30 AM to 6:00 PM EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-

8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status information

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(toll-free). If you would like assistance from a USPTO Customer Service Representative or

access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or

571-272-1000.

Brian P. Whipple
/B. P. W./
Examiner, Art Unit 2152
5/3/08

/Bunjob Jaroenchonwanit/
Supervisory Patent Examiner, Art Unit 2152